

**Department of Mental Health
Exceptions Committee Meeting**

April 2, 2004

Minutes

In attendance were Rosie Anderson-Harper; Julie Carel; Jodi Frederick, Terry Jackson and coordinator Rich Overmann.

LaBelle Manor Care Center, Labelle MO, requested two exceptions: (1) a waiver of fencing requirements under 9 CSR 40-3.115; and (2) a waiver of restraint-training requirements under 9 CSR 40-3.135(17).

With respect to the fencing requirements, the committee approved a one year extension of the current exception, contingent upon a determination by the licensure and certification staff that the exception is still appropriate given the capabilities of the residents of the facility. The licensure and certification staff anticipates making a survey in May or June 2004.

With respect to the training, the committee determined that the rule does not specifically require Mandt training; it simply requires that the facility shall not use physical restraint unless it is applied by staff trained in the use of restraint. However the committee also learned that the Mandt system has been approved by the Division of Mental Retardation and Developmental Disability. The committee decided that training in physical restraint should be required for staff that would apply the restraint; therefore did not approve the exception.

Rodney Williams, a private individual, applied for an exception under 9 CSR 10-5.190. In 1988 he committed first degree robbery, was incarcerated until March 24, 1992 and completed parole in 1997. He has been offered employment as a detox supervisor at Northland Community Center in Excelsior Springs, MO, which provided the committee a letter of endorsement. The committee noted that Mr. Williams just completed treatment in October of 2003 but committee members did not think that this is necessarily significant for the position of detox supervisor. The committee approved the request with the following condition: the exception is limited the position of detox supervisor at Northland Community Center.

Preferred Family Healthcare requested an exception under 9 CSR 10-5.190 for a volunteer, Bobby Richardson. He committed vehicular assault on August 5, 2000. He received a suspended imposition of sentence and five years probation and received treatment at the Corrections Program at Preferred Family Healthcare with successful discharge in May of 2003. The committee approved the exception for one year on condition that Mr. Richardson is supervised by paid staff.

Shannon Maloney, a private individual, seeks a waiver of OMRP requirements. She is employed at Truman Neurological Center. It was noted that the facility is accredited by CARF and therefore not subject to the department's licensure and certification rules. The committee did not consider the request because it determined that, based on the education and experience described in her request, Shannon Maloney meets the literal

requirements of the federal definition of Qualified Mental Retardation Professional under 42CFR483.430.

New Beginnings, St. Louis, requested a renewal of an exception for Lawrence Adams, to whom the committee originally granted an exception under 9 CSR 10-5.190 in August of 2001. He was convicted of attempted murder, robbery and burglary in 1977 and served about 13 years in prison. The original exception allowed Mr. Adams to work as a Community Support Worker (CSW). He was subsequently promoted to Residential Supervisor and the committee approved an exception for that position. He now wishes to resume a position as CSW. The committee determined that no renewal of the exception is needed at this time because the original exception carried no conditions that would require a renewal under the present circumstances.

Randall Owens, a private individual, requested a waiver of the requirements for a qualified substance abuse counselor under 9 CSR 10-7.140(2)(RR). He anticipates finishing his bachelor requirements in the fall of 2004 and claims counseling experience at Ozark Correctional Center since May 27, 1997. The committee denied the exception because the information presented in the request does not reveal any extraordinary background that would compensate for what is lacking in meeting the literal requirements.

The Department of Health and Senior Services has asked the committee for a recommendation regarding a good cause waiver for Lisa Moore. She was placed on the DMH disqualification registry in November of 2000 for physical abuse. The committee noted that (1) Ms. Moore still denies that the incident was purposeful; and (2) she appealed the original decision with the facility head who upheld the determination of physical abuse. The committee determined that her request was not persuasive in denying the allegation and was not persuasive in confirming that she would not commit similar acts in the future. The committee recommended that the "good cause waiver" be denied by DHSS.

The Department of Health and Senior Services has asked the committee for a recommendation regarding a good cause waiver for Steven Brown. He was placed on the DMH disqualification registry in April of 2003 for eleven counts of class II neglect; he failed to chart medication administration 11 days in February of 2003. The committee recommended that the "good cause waiver" be denied by DHSS.

CMHC, Nevada, requested a waiver of the requirements for Community Support Worker under 9 CSR 30-3.3110(11)(E) on behalf of Kendall L. Stroer. The committee determined that, based on the information presented the committee, Mr. Stroer does not meet the educational requirements of Community Support Worker and his level of experience does not compensate for the educational deficits.

Hannibal Council on Alcohol and Drug Abuse requested an exception to day care requirements under 9 CSR 30-3.190(4)(A). The committee previously considered this request in December of 2003 and in February of 2004. The following is an excerpt from the February minutes.

Hannibal Council on Alcohol and Drug Abuse requested an exception from 9 CSR 30-3.190(4)(A) relating to day care licensing in the agency's C-STAR program. The agency seeks an exemption from day care licensing by the Department of Health and Senior Services. The committee first considered the

request at its meeting on December 29, 2003. At that time the committee noted that the information presented in the request, and its attachments, was incomplete and sometimes apparently inconsistent. (For details see minutes of the meeting on Dec. 29, 2003.) The committee requested and received additional information. At the meeting on February 6, 2004 the committee noted that the agency had received an exemption from day care requirements from DHSS because the day care is operational only 4 hours a day. However, treatment needs require the day care to be in operation for 8 hours a day and the agency's statement to the committee verified that it is indeed operational for 8 hours a day. The committee denied the request.

The material presented with the most recent request, dated March 25, 2004, contained a clarification from the Department of Senior Services, indicating that the exemption was based on the fact that the day care services are exclusively for the convenience of the agency's customers. The committee approved the exception on condition that the exemption from the requirements of the Department of Health and Senior Services remains in effect.

April 7, 2004

Martha Bogguss, Administrator
LaBelle Manor Care Center
1002 Central
LaBelle, MO 63447

Dear Ms. Bogguss :

On April 2, 2004, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated March 5, 2004. There were two requests, as follows: (1) a waiver of fencing requirements under 9 CSR 40-3.115; and (2) a waiver of restraint-training requirements under 9 CSR 40-3.135(17).

With respect to the fencing requirements, the committee approved a one year extension of the current exception, contingent upon a determination by the licensure and certification staff that the exception is still appropriate given the capabilities of the residents of the facility. The licensure and certification staff anticipates making a survey in May or June 2004.

With respect to the training, the committee determined that training in physical restraint should be required for staff that would apply the restraint and therefore did not approve the exception. LaBelle Manor Care Center retains the option of (a) using the Mandt system or other system approved by the Division of Mental Retardation and Developmental Disabilities; or (b) formulating and implementing a policy that physical restraint shall not be used.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

Cc Jane Perry

April 7, 2004

Rodney Williams
106 Elizabeth
Excelsior Springs, MO 64024

Dear Mr. Williams:

On April 2, 2004, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated March 8, 2004 regarding 9 CSR 10-5.190. The committee approved the request with the following condition: the exception is limited to the position of Detox Supervisor at Northland Community Center.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

Cc Northland Community Center

April 7, 2004

Heather Smith
Preferred Family Healthcare
907 State Route PP
P. O. Box 82
Macon, MO 63552

Dear Ms. Smith:

On April 2, 2004, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated March 12, 2004. The request was on behalf of Bobby Richardson who is disqualified from employment and volunteer service under 9 CSR 10-5.190. The committee approved the exception for one year on condition that Mr. Richardson is supervised by paid staff. If Mr. Richardson wishes to continue involvement after one year from the date of this letter, it will be necessary to request and obtain another exception.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

April 7, 2004

Shannon Maloney
4731 Haden Court
Kansas City, MO 64136

Dear Ms. Maloney:

On April 2, 2004, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated March 19, 2004. The committee did not consider the request because it determined that, based on the education and experience described in your request; you meet literal requirements of the federal definition of Qualified Mental Retardation Professional under 42CFR483.430.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

April 7, 2004

Clarissa Cobb-Fritz
New Beginnings
3901 N. Union Blvd., Ste 101
St. Louis, MO 63115

Dear Ms. Cobb-Fritz:

On April 2, 2004 the Department of Mental Health Exceptions Committee reviewed your request for an exception dated March 19, 2004 under 9 CSR10-5.190. The committee determined that no renewal of the exception is needed at this time because the original exception carried no conditions that would require a renewal under the present circumstances.

If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

April 7, 2004

Randall Owens
2557 W. Roxbury
Springfield, MO 65807

Dear Mr. Owens:

On April 2, 2004 the Department of Mental Health Exceptions Committee reviewed your request for an exception date of March 22, 2004 under 9CSR 10-7.140. The committee denied the exception because the information presented in the request does not reveal any extraordinary background that would compensate for what is lacking in meeting the literal requirements.

If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely.

Richard H. Overmann
Exceptions Committee Coordinator

April 7, 2004

Nancy Schulte
Public Health Manager 2
Post Office Box 570
Jefferson City, MO 65102

RE Steven Brown
Lisa Moore

Dear Ms.Schulte:

On April 2, 2004 the Department of Mental Health Exceptions Committee considered the circumstances of the two persons listed above. The committee can affirm that each of these persons is listed on the DMH disqualification registry. As we understand it each of these persons has requested a good cause waiver from the Department of Health and Senior Services. The Department of Mental Health Exceptions Committee makes the following recommendations.

- Steven Brown. The committee recommends that the good cause waiver be denied.
- Lisa Moore. The committee recommends that the good cause waiver be denied

If you have any questions regarding this letter please contact me at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

April 7, 2004

Candi S. Dahmer
CMHC, Inc. COO
815 S. Ash
Nevada MO 64772

Dear Ms. Dahmer:

On April 2, 2004 the Department of Mental Health Exceptions Committee considered your request for an exception dated March 19, 2004 on behalf of Kendall L. Stroer. The committee determined that, based on the information presented to the committee, Mr. Stroer does not meet the requirements of Community Support Worker and his level of experience does not compensate for the educational deficits.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

April 7, 2004

Earl Best
Hannibal Council on Alcohol and Drug Abuse
146 Communications Dr.
Hannibal, MO 63401

Dear Mr. Best:

On April 2, 2004 the Department of Mental Health Exceptions Committee reviewed your request for an exception dated December 13, 2003 and January 14, 2004. The material presented with the most recent request, dated March 25, 2004, contained a clarification from the Department of Senior Services, indicating that the exemption was based on the fact that the day care services are exclusively for the convenience of the agency's customers. The committee approved the exception on condition that the exemption from the requirements of the Department of Health and Senior Services remains in effect.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator